

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-770 of 2022

Dr. Amit Banerjee -- **VERSUS** – The State of West Bengal & Ors.

Serial No.
and
Date of order
08
19.11.2024

For the Applicant	:	None.
For the Respondent	:	Mr. S.N. Ray, Learned Advocate.
For the PSC, WB	:	Mr. S. Bhattacharjee, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the recommendation of the Public Service Commission, West Bengal in Notification No. 413 dated 18.11.2022. By this Notification, the Commission displayed the application numbers of the successful candidates who participated in the selection process for the post of Principal for Government Teachers Training Colleges. Out of the three (03) successful candidates, two (02) belong to UR category and one (01) belong to SC category. The Commission had published its advertisement being advertisement number 02 of 2021 for selection of Principals in Government Teachers Training Colleges. The applicant had participated and reached upto the interview stage but was not successful in the final selection process. The applicant preferred an information under the RTI Act, 2005 and received a reply in the form of a table showing application numbers of eight (01) candidates including the applicant and the three (03) showing the grand total marks obtained by the applicant as well as by three (03) successful candidates. From this information, it is understood that the applicant having application number 5 had received a total of

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51.661 as per the marking system described in the advertisement itself. The applicant belongs to the UR category and the last successful candidate under the UR category, being application number 6 had received the grant total of 66.048.

Learned counsel for the applicant expresses his dis-satisfaction that the Commission has revealed only the marks of the candidates and from such marking, it is not enough to understand and accept why the applicant was not considered to be successful candidate. Mr. Sourav Bhattacharjee, learned counsel has responded by submitting that, as evident from the score-sheet, the applicant has received lower marks than the last successful candidate, therefore, he was not considered for being recommended to the post of Principal.

From the submissions of the learned counsels and after examination of the records in this application it is evidently clear and not in dispute that the applicant scored lower marks than the last successful candidates in the category he belongs. By publication of the last of successful candidates and replies under the R.T.I. Act, it is not in doubt that the P.S.C. conducted this recruitment process with full transparency. As is usual the applicant after having fully participated in the recruitment process but not successful has challenged the very selection matter. He does not seem to be satisfied that he scored lesser marks than the last successful candidate. With strong perception in his mind of being wronged he not only thinks the entire selection process unfair but also makes uncharitable against the experts of the Commission who were the Members of the Interview Board.

In Union of India Vs. Vinod Kumar, Supreme Court held that "it is also sell settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were

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not entitled to question the same.”

Therefore, the Tribunal is clear in its opinion that this applicant is a unsuccessful candidate questioning the very process in which he fully participated has turned around and complaints against the Commission, this prayer is not a valid prayer and does not deserve to be interfered with. This application is disposed of without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)